

Bill No. 19-13
Concerning: Common Ownership
Communities – Administrative
Hearing – Attorney's Fees
Revised: October 22, 2013 Draft No. 4
Introduced: June 18, 2013
Enacted: October 22, 2013
Executive: _____
Effective: _____
Sunset Date: September 1, 2016
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Leventhal

AN ACT to:

- (1) modify the authority of the Commission on Common Ownership Communities to award attorney's fees to a prevailing party in certain disputes; and
- (2) generally amend the law governing common ownership communities.

By amending

Montgomery County Code
Chapter 10B, Common Ownership Communities
Section 10B-13

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 10B-13 is amended as follows:

10B-13. Administrative hearing.

* * *

(d) The hearing panel may award costs, including [a] reasonable attorney's [fee] fees, to [[any prevailing party if]] any party if the other party:

(1) [another] [[any party if the]] [[losing]] [[other party:]]

[(1)] [[(A)]] filed or maintained a frivolous dispute, or filed or maintained a dispute in [other than good] bad faith;

(2) [(2)] [[(B)]] unreasonably refused to [accept] participate in mediation of a dispute, or unreasonably withdrew from ongoing mediation; or

(3) [(3)] [[(C)]] substantially delayed or hindered the dispute resolution process without good cause[.] [[; or

(2)]] [The hearing panel may also award costs or attorney's fees if] [[an association document so requires and the award is reasonable under the circumstances; or

(3) the]] [[to a prevailing party]] [[is an owner or occupant of a dwelling unit]] [[who filed the dispute to enforce the association documents or a State or County law regulating common ownership communities]].

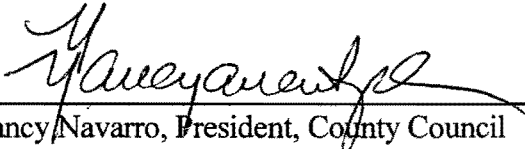
The hearing panel may also require the losing party in a dispute to pay all or part of the filing fee.

* * *

Sec. 2. The Amendments to Section 10B-13 contained in Section 1 of this Act apply to any dispute filed with the Commission after the date this Act takes effect.

Sec. 3. The Amendments to Section 10B-13 contained in Section 1 of this Act expire on September 1, 2016.

28 *Approved:*

29  10/23/13
Nancy Navarro, President, County Council Date

30 *Approved:*

31 _____
Isiah Leggett, County Executive Date

32 *This is a correct copy of Council action.*

33 _____
Linda M. Lauer, Clerk of the Council Date